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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/991,629 | 11/21/2001 | John C. Weast | 42390P12339 | 4680 |

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EXAMINER

TRAN, PHUOC

ART UNIT PAPER NUMBER

2621

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,629

Applicant(s)

WEAST, JOHN C.

Examiner

Phuoc Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-14,16-21,23-29,31-38 and 40-46 is/are rejected.
- 7) ☒ Claim(s) 7,15,22,30,39 and 47 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-14, 16-21, 23-29, 31-38, 40-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Dresevic et al [U. S. Patent No. 6,624,828].

As to claims 1, 2, Dresevic et al disclose a system for generating a color corrected image, comprising: a setup engine to receive and parse geometric primitives and associated rendering commands (Fig. 3, item 306; col. 8, lines 36-55); a rendering engine to generate graphics data based upon the geometric primitives and associated rendering commands (Fig. 1, item 307; col. 8, lines 56-65); and a color-blind analyzer to analyze graphics data generated by the rendering engine and modify selected graphics data into color corrected data suitable for a visually challenged viewer, wherein the rendering engine renders the color corrected data into a color corrected image for further processing and display (Fig. 1, items 371, 370; 310, 308; col. 10, lines 18-31; col. 11, lines 1-37; col. 4, line 61 – col. 5, line 5; col. 9, lines 15-19; i.e., graphics data is analyzed and modified into color corrected data suitable for color blind individuals using user profile information of color blind individuals).

As to claim 3, Dresevic et al disclose that the color corrected data comprises modified pattern data (col. 4, line 61 – col. 5, line 5; col. 9, line 14-18; col. 10, lines 54-61; col. 20, line 1 – col. 21, line 15; i.e., pattern data includes resolution data, character shape, pixel pattern).

As to claims 4-5, Dresevic et al disclose that the color-blind analyzer analyzes

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intermediate graphics data generated by the rendering engine (Fig. 3, items 371, 307; col. 10, lines 18-31; col. 11, lines 1-37; col. 4, line 61 – col. 5, line 5; col. 9, lines 15-19; i.e., graphics data is analyzed by Rendering and Rasterization Routines 307).

As to claim 6, the same arguments made to claim 3 apply to claim 6.

As to claims 8-14, 16-21, 23-29, 31-38, 40-46, these claims require limitations which are similar to those of claims 1-6. Therefore, the same arguments made to claims 1-5 apply to these claims.

3. Claims 7, 15, 22, 30, 39, 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Surve et al, Atkinson, Boyan are cited for disclosing the state of the art of color image processing.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc Tran whose telephone number is (703) 305-4861. The examiner can normally be reached on MON-FRI.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc Tran
PHUOCTRAN
PRIMARY EXAMINER